

REMARKS

Entry of this Amendment under 37 CFR §1.116 is respectfully requested. Claims 11, 25, and 36 have been amended to eliminate any informalities and reduce issues on appeal. Claims 1-38 are pending in the application.

Reconsideration and allowance of the above-reference application are respectfully requested.

Claims 1, 13, 20, and 32 stand rejected under 35 USC §102 in view of U.S. Patent Publication No. 2003/0061451 by Beyda. This rejection is respectfully traversed, as the rejection fails to demonstrate that the applied reference discloses each and every limitation in the manner claimed.¹

Independent claims 1 and 20 each specify providing content to a device based on receiving an HTTP request for a first content object, and outputting an HTTP response: the HTTP response includes the first content object (requested in the HTTP request) **and** a directive for prefetching a second content object as a content operation distinct from presentation of the first content object **by the device**. Independent claim 1 specifies “sending to the device an HTTP response to the HTTP request”; independent claim 20 specifies “an interface configured for receiving an HTTP request ... and outputting an HTTP response”, where the content operation identifier “enabl[es] **the device** to perform the prefetching of the second content object based on receipt of the content operation identifier within the HTTP response”.

Independent claims 13 and 32 each specify retrieving content for a device based on “sending an HTTP request for a first content object, received from the device, to a destination server specified by the HTTP request”, “receiving from the destination server an HTTP response to the HTTP request that includes the first content object and ... a directive for prefetching an identified second content operation....”

¹“Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). Hence, it is not sufficient that a single prior art reference discloses each element that is claimed, but the reference also must disclose that the elements are arranged as in the claims under review. *In re Bond*, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990) (citing *Lindemann Maschinenfabrik GmbH*).

Hence, the claims explicitly specify that the HTTP response must include the first content object ***and the directive for prefetching the second content object***.

Further, the claims explicitly specify that the HTTP response (that includes the first content object and the directive for prefetching) is sent ***to the device*** in claim 1, received ***from the destination server*** in claims 13 and 32, and output ***by the interface of the server*** of claim 20. Hence, each of the independent claims inherently require that the HTTP response be transferred between devices according to HTTP protocol (e.g., sent *to the device*, received *from the destination server*, output *by the interface of the server*); consequently, it is insufficient that the HTTP response is generated by a device, but the HTTP response also must be transferred “to the device”, “from the destination server”, or output by an interface of the server.

Hence, the claims specify that the HTTP response that is transferred to (or from) a device (or destination server) includes not only the first content object that was requested in order to enable a requesting device to present the requested first content object, but the HTTP response also includes a directive for prefetching the second content object: the claims also specify that the directive enables prefetching of the second content object as a content operation distinct from presentation of the first content object.

The rejection fails to demonstrate that Beyda discloses each and every element of the claim such that the identical invention must be shown in as complete detail as is contained in the claim: the Examiner has the burden of establishing not only that Beyda discloses an HTTP response output by a server, or that a proxy device may perform caching of requested content, but that an HTTP response is output from a server (or received by a proxy) ***in the same manner as claimed***, namely that the HTTP response output *to the device* (claims 1, 20), or received *from the destination server* (claims 13, 32), includes both the requested first content object ***and the directive for prefetching the identified second content object***.

Beyda describes with respect to Figure 1 a local server 14 having a proxy server 16: the proxy server 16 includes a web cache and a table, illustrated in Figure 2, that “keeps track of URLs of all web pages that are requested by any of the clients 10, 12, and 14.” (Paragraph 17, lines 3-4). For each URL listed, Beyda describes that “the table keeps the time the last client accessed the webpage,

and the corresponding modification timestamp of when the page was last modified." (Para. 17, lines 5-7). "When a client sends a request to the local server 14 for a web page, the URL of the requested web page is searched in the table [of] Figure 2. If the requested URL is not found, [] the local server 14 directs [i.e., forwards] the request to the remote server 18 via the Internet/Intranet 20." (Para. 19, lines 1-5). The retrieved web page is cached in the proxy server 16, and the associated details regarding the URL, time, and timestamp are captured in the table of figure 2 (Para. 19).

If the URL is found in the table of Fig. 2, the local server sends the request to the remote server 18: if the time stamp of the web page from the remote server 18 matches the time stamp in the table, the local server 14 stops the transfer and delivers the cached content in the proxy server to the client (Para. 20, lines 1-7).

Paragraphs 21-28 describe a predicted prefetch of web pages by the local server 14: the local server 14 keeps track of the time-based pattern of requested web pages, and divides the usage pattern into a certain predetermined time to record the hit rate of every webpage visited, and rank the webpages according to hit rate. (Para. 21). The usage pattern is analyzed for repeating patterns (Para. 22-23), and the determined patterns are used to predictably prefetch webpages by the local server 14 into a cache (Para. 24-27).

Hence, the local server 14 performs predictive prefetching of web page content based on determining repeating usage patterns, in order to limit or reduce the required access via the Internet to elements having encountered a change from the last access time and the most recent web page (Para. 27).

The rejection fails to establish that the cited reference discloses or suggests the claimed **HTTP response** that includes **both the first content object** (for presentation of the first content object by the device), **and** the content operation identifier that includes **a directive for prefetching the second content object as a content operation distinct from presentation of the first content object**. In fact, the rejection cites Para. 21-28 of Beyda, but fails to specifically identify *any* feature in Beyda within the cited portion that can be considered a disclosure of the claimed directive for prefetching, as claimed. As demonstrated above, Beyda simply describes a local server 14 performing a predictive caching operation to fetch content from a remote server 18, and that locally caches the

content for subsequent use during high-traffic intervals by clients connected to the local server 14. The rejection fails to demonstrate that Beyda discloses or suggests that *a single HTTP response* includes *both* the first content object *and* the content operation identifier (including the directive for prefetching), as claimed.

For these and other reasons, the §102 rejection should be withdrawn.

The Examiner is respectfully requested to initial the form PTO-1449 attached in the accompanying Information Disclosure Statement, per agreement during the telephonic interview with the Examiner on December 20, 2006 and February 9, 2007.

For these and other reasons, the §102 rejection should be withdrawn.

It is believed dependent claims 3-4, 6, 8-9, 11, 15-16, 18, 22-23, 25, 27-28, 30, 34-35, and 37 are allowable in view of their dependency from the respective independent claims; hence, the §103 rejection should be withdrawn.

The indication of allowable subject matter in claims 5, 7, 10, 12, 17, 19, 24, 26, 29, 31, 36, and 38 is acknowledged with appreciation. It is believed these claims are allowable in view of the foregoing.

In view of the above, it is believed this application is in condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-472, and please credit any excess fees to such deposit account.

Respectfully submitted,



Leon R. Turkevich
Registration No. 34,035

Customer No. 23164
(202) 261-1059
Date: Monday, March 12, 2007